

In response to the currently outstanding requirement for restriction, **Applicants hereby make the following elections:**

Group I, Species (a), Ridge lines or valley lines - Claims 40 and 41;

Group II, Species (c), Upper Side in combination with a lower side - Claims 40, 42 and 46;

Group III, Species (e), Outer wing tip section – Claims 40, 56, 57, 58, 59, 60 and 70; and

**Group IV, Species (g), "A lift force generated by the upward and
downward motion of the wing portion relative
to the body", - Claims 40 and 61 and 62**

for further prosecution in the merits in this application.

Applicants respectfully traverse the Examiner's restriction requirement as it applies at least to Group III defined above. The basis for this traversal is that as presently understood the Examiner has alleged that Claims 56 and 60 of the present invention are distinct from one another with respect to delays in phase of the motion of various parts of the wing being tied to the outer tip on the one hand or the root of the wing on the other hand. Applicants respectfully submit, however, that Claim 56, upon which Claims 57-60 depend, and Claim 70 both demonstrate clearly and definitely that the difference in phase that is being claimed is a difference of the phase of motion of the root portion of the wing on the one hand relative to the motion of the tip portion of the wing on the other hand, both being determined relative to the body. In other words, the phase of the motion of the root and the tip relative to the body are being compared to one another in the claims of this application rather than simply the motion of the wing being determined based upon either the motion relative to the body of the root or the tip separately.

Therefore, Applicants respectfully submit that the Examiner's requirement for restriction concerning the Group III set of species does not make sense in the context of this application and should be withdrawn.

In addition, Applicants respectfully note that it appears that no election has been required concerning Claims 48, 50, 51, 52 or 66-69. Accordingly, upon the entry of the foregoing election, Applicants believe that Claims 40-42, 46, 48, 50-52, 56-60, and 66-70 will constitute the claim under active prosecution in this application. Further, Applicants understand that the non-elected claims of this application will be reinstated for purposes of substantive examination in the event that a generic claim (presently Claim 40) is allowed.

Applicants respectfully submit that this communication is fully responsive to the currently outstanding Official Action in the above-identified application. Early substantive consideration and allowance is respectfully requested.

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In addition, Applicants believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: November 14, 2006


SIGNATURE OF PRACTITIONER

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